

# **STATE PERSONNEL BOARD AGENDA**



**JANUARY 22, 2008**

**SACRAMENTO, CA**

**State of California**

**Memorandum**

**DATE:**       **January 11, 2008**

**TO:**           ALL INTERESTED PARTIES

**FROM:**       **STATE PERSONNEL BOARD** – Executive Office

**SUBJECT:**   Notice and Agenda for the **January 22, 2008**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on January 22, 2008, at the office of the State Personnel Board, located at 801 Capitol Mall, Sacramento, California, 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item. Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the January 8, 2008, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-1028 or the Internet at: <http://www.spb.ca.gov/about/board/agenda/index.htm>.

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

Portia Jacobson  
Secretariat's Office

Attachment



**CALIFORNIA STATE PERSONNEL BOARD**

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, CA 95814

Closed Session Location – 801 Capitol Mall  
Sacramento, CA 95814

**MID-MONTH BOARD MEETING – JANUARY 22, 2008**

---

<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-1028.

**MID-MONTH BOARD MEETING AGENDA<sup>2</sup>**

**January 22, 2008**  
9:00 a.m. – 10:30 a.m.  
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(Time Approximate: 9:00 a.m. – 9:15 a.m.)**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER**  
**- Suzanne M. Ambrose**
- 3. REPORT OF THE CHIEF COUNSEL**  
**- Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION**  
**- Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the attached legislation memorandum.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(Time Approximate: 9:15 a.m. – 10:00 a.m.)**

- 6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

---

<sup>2</sup> The Agenda for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/about/board/agenda/index.htm>

**7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

**8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.  
Sacramento Superior Court Case No. 07CS00461

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature. [Government Code section 18653.]

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(Time Approximate: 10 a.m. or Upon Completion of Closed Session)**

**BOARD ACTIONS:**

**11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF DECEMBER 18, 2007**

**12. EVIDENTIARY CASES - (See Case Listings on Pages 9-13)**

**13. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 - (See Agenda on Pages 20-21)**

**14. NON-EVIDENTIARY CASES - (See Case Listings on Pages 13-14)**

**15. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**(1) DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles is requesting to amend 2CCR§ 549.80 to expand its authority to conduct position-by-position testing for managerial and supervisory classifications.

**(2) DEPARTMENT OF TRANSPORTATION**

The Department of Transportation is requesting to amend 2CCR§ 549.90 to continue, on a permanent basis, the selection methods that were piloted during the demonstration project.

**(3) DEPARTMENT OF CORRECTIONS AND REHABILITATION**

The Federal Court Receiver is requesting the establishment of a new classification entitled Receiver's Medical Executive (Safety), with a one year probationary period.

**(4) CHIEF COUNSEL RESOLUTION**

Delegation of authority to Executive Officer to approve back-dated appointments.

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Operations Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF, IN-PRISON PROGRAMS AND SUPPORT (IPPS),  
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation (CDCR) proposes to allocate the above position to the CEA category. This position has full responsibility for policy formulation, establishment, and implementation; project/program planning and coordination; development and implementation of a tracking and reporting program; fiscal and personnel management; and all aspects of DARS' In-Prison Substance Abuse Programs (SAP), Transitional Treatment Program, and the newly-established In-Custody Drug Treatment Program.

**CHIEF, CONTINUING CARE, DIVISION OF ADDICTION AND  
RECOVERY SERVICES, DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The position is responsible for planning, organizing, and directing all program activities and policy for specialized headquarters-based programs such as Senate Bill 1453 Program, Drug Treatment Furlough, Substance Abuse Services Coordination Agency, Mandatory Conditions of Parole, Female Offender Treatment Education Program, Transitional Treatment Program, and the newly established In-Custody Drug Treatment Program.

**DEPUTY DIRECTOR, OFFICE OF ADMINISTRATIVE HEARINGS,  
DEPARTMENT OF GENERAL SERVICES**

The Department of General Services proposes to allocate the above position to the CEA Category. The position is needed to relieve the Director of the Office of Administrative Hearings (OAH) of managerial and policy making duties ensuring appropriate and timely delivery of service to OAH's client agencies.



**CHIEF, INTERNAL AUDITS, DIVISION OF AUDITS AND INVESTIGATIONS, DIVISION OF HEALTH CARE SERVICES**

The Department of Health Care Services proposed to allocate the above position to the CEA Category. The position, under the general direction of the Deputy Director, Audits and Investigations Division will be responsible for policy planning and development and organizing and directing staff in the performance of the full range of internal audit services.

**ASSISTANT SECRETARY, CALIFORNIA BUSINESS INVESTMENT SERVICES, LABOR AND WORKFORCE DEVELOPMENT AGENCY**

The Labor and Workforce Development Agency proposes to allocate the above position to the CEA category. The position will serve as the principal advisor to the Agency Secretary and the Deputy Agency Secretary on the California Business Investment Services program and will be the single point of contact for employers, corporate real estate executives and site location consultants in considering California for new business investment and job creation.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, MANAGEMENT AND STAFF SERVICES BRANCH**

The Department of Social Services' request to allocate the above position has been approved December 21, 2007.

**DEPUTY DIRECTOR, ADMINISTRATION DIVISION**

The Office of the Legislative Counsel's request to allocate the above position has been approved December 21, 2007.

**ASSISTANT DIRECTOR, BUDGET MANAGEMENT BRANCH**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved December 21, 2007.

**DEPUTY DIRECTOR, HOUSING AND MEDIATION PROGRAMS**

The Department of Fair Employment and Housing's request to allocate the above position has been approved December 21, 2007.

**DEPUTY DIRECTOR FOR PROGRAM MANAGEMENT AND COMMUNICATIONS**

The Resources Agency, CALFED Bay-Delta Program's request to allocated the above position has been approved December 28, 2007

**DEPUTY DISTRICT DIRECTOR, ENVIRONMENTAL PLANNING**

The Department of Transportation's request to allocate the above position has been approved December 28, 2007.

**18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**19. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**21. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 16-17)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

## 12. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

#### (1) **CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

#### (2) **CASE NO. 06-3014PA**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

Oral argument continued.

Oral argument heard December 4, 2007, San Francisco

Case ready for decision by FULL Board.

#### (3) **PSC NO. 07- 02, CASE NO. 07- 003 (b)**

Appeal from Executive Officer's disapproval of contract

**Classification:** Janitorial Services

**Department:** Department of Health Services

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

**(4) PSC NO. 07-04**

Appeal from Executive Officer's disapproval of Personal Services  
Contract for Psychological Services

**Classification:** Psychological Services

**Department:** Department of Mental Health

Oral argument heard December 4, 2007, San Francisco.  
Case ready for decision by FULL Board.

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**(1) CASE NO. 06-4585E**

Appeal from denial of reasonable accommodation

**Classification:** Staff Services Manager II

**Department:** Commission on Teacher Credentialing

Case taken under submission on October 9, 2007.

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 06-3962**  
Appeal from dismissal  
**Classification:** Materials and Stores Supervisor (Correctional Facility)  
**Department:** Department of Corrections & Rehabilitation
- (2) **CASE NO. 06-3270**  
Appeal from ten percent reduction in salary for 24 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-0432**  
**JOHN CORREA, CASE NO. 06-0406**  
Appeals from dismissal and rejection during probation  
**Classification:** Officer  
**Department:** Department of California Highway Patrol
- (4) **CASE NO. 06-4278**  
Appeal from two weeks suspension  
**Classification:** Parole Agent III (AP)  
**Department:** Department of Corrections & Rehabilitation

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

- (5) **CASE NO. 05-4172R**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections & Rehabilitation

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

**(1) CASE NO. 06-0828P**

Appeal from 30 work days suspension

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**(2) NO. 07-0908P**

Appeal from rejection during probation

**Classification:** Licensed Vocational Nurse (Safety)

**Department:** Department of Corrections and Rehabilitation

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) CASE NO. 07-0850A**

Appeal from non-punitive termination

**Classification:** Clinical Social Worker

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

**(2) CASE NO. 05-3327A**

Appeal from dismissal

**Classification:** Medical Technical Assistant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

- (3) **CASE NO. 06-3747A**  
Appeal from dismissal  
**Classification:** Parole Agent I  
**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 8, 2008.  
Pending transcript.

**14. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 06-3279N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal drug activity.
- (2) **CASE NO. 06-2074N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; gang affiliation.
- (3) **CASE NO. 06-2547N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal drug usage.
- (4) **CASE NO. 06-3135N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative contacts with law enforcement, illegal drug activity, and omission of pertinent information.

**(5) CASE NO. 06-0680N**

**Classification:** Youth Correctional Officer

**Department:** California Department of Corrections & Rehabilitation

**Issue:** Suitability; failure to supply information or documentation needed to complete her background investigation.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 07-4445N**

**Classification:** Youth Correctional Counselor

**Department:** California Department of Corrections & Rehabilitation

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**NONE**

**PETITIONS FOR REHEARING CASES**

**NONE**



**SUBMITTED**

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
3. **TELEVISION SPECIALIST (SAFETY)**  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public safety aspect of the job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).
4. **PERSONAL SERVICES CONTRACT #04-03**  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004).
5. **STATE PERSONNEL BOARD REGULATIONS AFFECTING EQUAL OPPORTUNITY**  
Proposed new and revised State Personnel Board Regulations affecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004).
7. **CASE NO. 05-4007EA**  
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007).
8. **CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007).
9. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007).

10. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract entered into by the Department of Health Services. (Oral argument held September 4, 2007).
11. **CASE NO. 07-1969** Appeal from 5 day suspension. Officer. California Highway Patrol. (Case taken under submission on October 22, 2007).
12. **LIFEGUARD (PERMANENT /INTERMITTENT) CLASSIFICATION**  
Proposed establishment of the Lifeguard (Permanent Intermittent) classification, with a six month probationary period and designation of the class as sensitive for the purpose of pre-employment drug testing. (Hearing held November 5, 2007).
13. **REGISTERED NURSE CORRECTIONAL FACILITY CLASSIFICATION**  
Proposed change to the probationary period for the Registered Nurse, Correctional Facility class from six to twelve months. (Hearing held November 5, 2007).
14. **CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held December 4, 2007).
15. **CASE NO. 06-1413PA.** Appeal from five percent reduction in salary for six months. Registered Nurse. Department of Corrections and Rehabilitation. (Oral argument held December 4, 2007).
16. **PSC NO. 07-04.** Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services. Department of Mental Health. (Oral argument held December 4, 2007).
17. **CASE NOS. 07-1760 & 07-1848.** Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held December 4, 2007).

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



(Cal. 01/22/08)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans  
Director of Legislation

Attachment

**STATE PERSONNEL BOARD  
LEGISLATIVE TRACKING  
REPORT**

**2007-08 SESSION**

**Status as of January 11, 2008**

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
<a href="#">AB 503</a> ( <a href="#">Swanson</a> )	Watch	Would require the California Research Bureau to conduct a study, to be submitted to the Legislature by June 30, 2008, on issues related to a requirement that state and local agencies provide eight hours' written notice to employees who are required to work overtime. The bill would require the study to address the impacts of such a requirement on both employers and employees.	06/14/2007-Referred to Com. on RLS. 06/14/2007-S RLS.
<a href="#">AB 671</a> ( <a href="#">Beall</a> )	No Position	Would make legislative findings and declarations regarding the state's responsibility for the well-being of foster youth and former foster youth. The bill would require the State Personnel Board to establish an Emancipated Foster Youth Examination and Appointment Program to promote the hiring of qualified foster youth in specified entry level positions in any state agency or department as determined by the board. The bill would require the board or its designee to conduct competitive examinations to determine the qualifications and readiness of emancipated foster youths for state employment. It would require that all examination appointments to positions under the program be made on a temporary and provisional basis, and would provide that, with the approval of the board, a candidate who successfully completes this temporary period may be appointed, without further examination, to an appropriate position in which civil service status may accumulate. The bill would allow applicants for and candidates in the program examination process to appeal specified actions . This bill contains other related provisions and other existing laws.	08/30/2007-In committee: Set, first hearing. Held under submission. 08/30/2007-S APPR. SUSPENSE FILE
<a href="#">AB 721</a> ( <a href="#">Maze</a> )	Watch	Would provide that, notwithstanding any other provision of the act, when a Member of the Legislature requests a public record from a state agency, the state agency shall make the determination and notification required by these provisions immediately and in no event later than 3 business days after receipt of the request.	06/01/2007-Failed Deadline pursuant to Rule 61(a)(5). Last location was APPR. SUSPENSE FILE 06/01/2007-A 2 YEAR
<a href="#">AB 890</a> ( <a href="#">Aghazarian</a> )	Watch	This bill would reestablish a Commission on Correctional Peace Officer Standards and Training ("CPOST") to be located within the Department of Corrections and Rehabilitation, as specified, and to remove responsibility for the training of correctional officers from the Corrections Standards Authority ("CSA").	08/30/2007-In committee: Set, first hearing. Held under submission. 08/30/2007-S APPR. SUSPENSE FILE
<a href="#">AB 1496</a> ( <a href="#">Swanson</a> )	No Position	For the counties and cities that have a civil service, personnel, or merit system, Assembly Bill 1496 requires them to classify all employees by March 1, 2008.	07/11/2007-In committee: Set, first hearing. Testimony taken. Further hearing to be set.

			07/11/2007-S L. GOV.
<a href="#"><u>AB 1668</u></a> ( <a href="#"><u>Leno</u></a> )	<b>Watch</b>	This bill would require the Director of Technology Services, in conjunction with the State Chief Information Officer and other specified state entities, to implement a project examining the use of an open file format with no more than 3 state agencies or departments. This bill would further require the State Chief Information Officer, in conjunction with other specified state entities, to report on the results of the project no later than January 10, 2009. This bill would also require the Department of General Services, in consultation with the State Chief Information Officer, to consider specific modifications to the standards used for the state to acquire information technology and to report its findings to the Legislature no later than October 1, 2008.	06/01/2007-Failed Deadline pursuant to Rule 61(a)(5). Last location was APPR. SUSPENSE 06/01/2007-A 2 YEAR
<a href="#"><u>SB 26</u></a> ( <a href="#"><u>Simitian</u></a> )	<b>Neutral</b>	This bill would require that demographic data collection by race be structured in a manner that allows the surveyed individual to select more than one race. A single category labeled "multi-racial" would be prohibited.	08/30/2007-Set, second hearing. Held in committee and under submission. 08/30/2007-A APPR. SUSPENSE FILE
<a href="#"><u>SB 721</u></a> ( <a href="#"><u>Ashburn</u></a> )	<b>Watch</b>	By January 1, 2010, this bill would require every state agency to establish and implement a succession plan, as defined. By January 1, 2012, the bill would require every state agency to report to the Legislature on the success or failure of the implemented succession plan, as specified.	08/30/2007-Set, second hearing. Held in committee and under submission. 08/30/2007-A APPR. SUSPENSE FILE
<a href="#"><u>SB 870</u></a> ( <a href="#"><u>Ridley-Thomas</u></a> )	<b>Neutral with Amendments</b>	Would require an adverse action against a managerial, supervisory, or confidential employee, as defined, to commence within one year of the cause for discipline.	09/07/2007-Placed on inactive file on request of Assembly Member De Leon. 09/07/2007-A INACTIVE FILE
<a href="#"><u>SB 1019</u></a> ( <a href="#"><u>Romero</u></a> )	<b>Support if amended</b>	Would state the intent of the Legislature to abrogate the California Supreme Court decision in Copley Press, Inc. v. Superior Court and to restore public access to meetings and hearings regarding peace officer discipline that were open prior to the Copley Press decision. This bill contains other related provisions.	06/26/2007-Set, first hearing. Held in committee without recommendation. 06/26/2007-A PUB. S.
Total rows: 10			



(Cal. 01/22/08)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** MIKE STRAZZO, Merit Operations Division

**SUBJECT :** Non-Hearing Calendar Items for Board Action

	<u>Page</u>
<b>(1) DEPARTMENT OF MOTOR VEHICLES</b> The Department of Motor Vehicles is requesting to amend 2CCR§ 549.80 to expand its authority to conduct position-by-position testing for managerial and supervisory classifications.	201
<b>(2) DEPARTMENT OF TRANSPORTATION</b> The Department of Transportation is requesting to amend 2CCR§ 549.90 to continue, on a permanent basis, the selection methods that were piloted during the demonstration project.	205
<b>(3) DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> The Federal Court Receiver is requesting the establishment of a new classification entitled Receiver's Medical Executive (Safety), with a one year probationary period.	208
<b>(4) CHIEF COUNSEL RESOLUTION</b> Delegation of authority to Executive Officer to approve back-dated appointments.	Under Separate Cover

TO: STATE PERSONNEL BOARD

FROM: Mike Strazzo, Chief, Merit Operations Division  
Neil Thompsen, Department of Motor Vehicles

SUBJECT: Adoption of proposed amendment to Title 2, California Code of Regulations (2CCR) § 549.80

SUMMARY OF ISSUE:

The Department of Motor Vehicles (DMV) is requesting to amend 2CCR § 549.80 to expand DMV's authority to conduct position-by-position testing for managerial and supervisory classifications-*subject to approval by the State Personnel Board's (SPB) Executive Officer.*

CONSULTED WITH:

Suzanne Ambrose, State Personnel Board  
Mary Fernandez, State Personnel Board  
Mike Strazzo, State Personnel Board  
Elise S. Rose, State Personnel Board  
Daphne Baldwin, State Personnel Board  
Neil Thompsen, Department of Motor Vehicles  
Bonnie Morris, Association of California State Supervisors  
Larry Svetich, California Association of Managers and Supervisors  
P. Terry Fougere, Motor Vehicle Manager's and Supervisor's Association

BACKGROUND:

In December 2001, pursuant to Government Code sections 19600, 19605 and 19607, the Board approved a demonstration project that allowed DMV to conduct examinations and make appointments to specified managerial and supervisory positions utilizing the "position by position" testing procedures applicable to Career Executive Assignments. Upon expiration of the 5-year demonstration project in 2006, DMV sponsored legislation (AB 2903) to make the demonstration project permanent. SPB supported the legislation, there was no opposition, and it was enacted effective January 1, 2007, adding section 19602.5, as set forth below:

(a) Notwithstanding Section 18900, 18901, 18930, 18930.5, 18931, 18933, 18936, 18937, 18938.5, 18939, 18950, 19050, 19052, 19054, 19054.1, 19057, 19057.1, 19057.2, 19057.4, 19081, or 19101, or any other provision of law, but consistent with the merit principles of subdivision (b) of Section 1 of Article VII of the California Constitution, the Department of Motor Vehicles appointing authority may conduct examinations and make appointments, as specified by this section. The

purpose of this section is to provide the Department of Motor Vehicles with greater flexibility to match candidates and managerial or supervisory jobs, at the same time resulting in an expedited selection process and cost savings to the department.

(b) The Department of Motor Vehicles appointing authority may conduct competitive examinations on a position-by-position basis for specified managerial classifications and supervisory classifications as agreed to by the board in the manner described in Article 7 (commencing with Section 549.80) of Subchapter 4 of Chapter 1 of Division 1 of Title 2 of the California Code of Regulations in effect on June 27, 2001, or in any other manner approved by the board. In its exercise of authority under this subdivision pursuant to that article, the Department of Motor Vehicles appointing authority shall rank each examination candidate in the manner specified in Article 4 (commencing with Section 548.30) and Article 5 (commencing with Section 548.40) of Subchapter 2 of Chapter 1 of Division 1 of Title 2 of the California Code of Regulations.

On January 9, 2007, in accordance with the legislation, the Board amended 2CCR § 549.80, to make the demonstration project permanent.

DMV has requested that the SPB support a further amendment to 2CCR § 549.80, to allow DMV to expand the use of position-by-position testing for additional managerial and supervisory classifications and positions beyond those specified in the demonstration project, subject to approval by the Executive Officer of the Board.

#### REGULATORY PROCESS:

In addition, pursuant to Government Code section 18213, SPB regulations concerning selection and examinations may be adopted without public notice or comment, but must be made reasonably available to all interested parties.

#### RECOMMENDATION:

That 2CCR § 549.80, be amended as set forth in the attachment hereto; and that the proposed regulation as shown in this calendar be adopted effective January 22, 2008.

Attachment

TITLE 2. ADMINISTRATION  
DIVISION 1. ADMINISTRATIVE PERSONNEL  
CHAPTER 1. STATE PERSONNEL BOARD  
SUBCHAPTER 4. DEMONSTRATION PROJECT AND PERFORMANCE BASED  
BUDGET PILOT  
PROJECT RULES (PROMULGATED UNDER AUTHORITY OF GOVERNMENT CODE  
SECTIONS 11808,  
18701, AND 19600)  
ARTICLE 7. DEPARTMENT OF MOTOR VEHICLES—SPECIAL EXAMINATION AND  
APPOINTMENT PROGRAM

§ 549.80. Department of Motor Vehicles: Managerial and Supervisory Selection and Examination.

Pursuant to Government Code section 19602.5, the Department of Motor Vehicles (DMV) may conduct examinations and make appointments to select candidates for ~~positions designated M01 and for positions of Manager IV, DMV, designated S01~~specified managerial and supervisory classifications, as approved by the Executive Officer. Examinations for the above identified classifications shall be conducted pursuant to the procedures in Article 4 (Section 548.30) and Article 5 (Section 548.40 through 548.52) for Career Executive Assignments, with the following exceptions:

(a) The examination announcements specified by Section 548.41 shall specify the minimum qualifications for the position as prescribed for the specific classification.

(b) The appointing power shall be governed by Section 171.1 in determining whether an applicant has completed the minimum time required by the experience component in the minimum qualifications, if any.

(c) Any eligible employee or applicant may appeal to the State Personnel Board, pursuant to Section 548.49, within thirty (30) days of the date of the notification of examination results.

(d) Examinations may be either open or promotional.

Note: Authority cited: Sections 18701 and 19602.5, Government Code. Reference: Sections 18930, 19054.1, 19600, 19605 and 19607, Government Code.

TO: STATE PERSONNEL BOARD

FROM: Patti Oshita  
CEA & Exempt Services  
Department of Transportation

REVIEWED BY: Judy O'Day  
Chief, Division of Human Resources

SUBJECT: Proposed: 1) Acknowledgement of law authorizing the California Department of Transportation to continue the Managerial Selection Demonstration Project selection methods on a permanent basis; and 2) Adoption of proposed amendments to Title 2, California Code of Regulations (2CCR) § 549.90

SUMMARY OF ISSUE:

The California Department of Transportation (Caltrans) is requesting to amend 2CCR § 549.90. Assembly Bill 1702 (Chapter 284) enacted sections 19602.7 and 19609 of the Government Code (G.C.) authorizing Caltrans to continue, on a permanent basis, the selection methods that were piloted during the demonstration project. This proposal recognizes the conversion of these temporary features to permanent methods for use solely at Caltrans.

CONSULTED WITH:

Liz Ochoa, Department of Transportation  
Elise S. Rose, State Personnel Board  
Daphne Baldwin, State Personnel Board  
Dennis Alexander, Professional Engineers in State Government

BACKGROUND:

Under the Demonstration Project Authority (G.C. sections 19600 et.seq.), the State Personnel Board approved the participation of Caltrans in a five-year demonstration project to explore alternatives to the traditional civil service methods of recruitment and selection for managerial positions designated M01 and M09. The Managerial Selection Demonstration Project began in November 2001 and was extended until December 2007, to allow the Department to complete its focused group meetings and finalize the evaluation of the project.

The Department conducts competitive examinations on a position-specific basis for specified managerial classifications. The testing and hiring interviews are combined into one process that allows the Department to advertise and fill individual managerial vacancies without establishing eligibility lists.

Legislation was signed and the demonstration project will become permanent on January 1, 2008. It was found that the demonstration project addressed the need for a more flexible selection method to hire candidates with the most recent and relevant experience/education pertinent to the position being filled. The project further provided the Department the ability to examine/select candidates for managerial vacancies on a timely, cost-efficient basis.

The Department will be required to submit a report for a three- (3) year period on an annual basis to the State Personnel Board. After the three-year period, a report shall be filed at the request of the State Personnel Board. Further, a public hearing to provide for the exchange of information and public comments about the project will be permitted.

Article 8 (commencing with 2CCR § 549.90) of Subchapter 4 of Chapter 1 of Division 1 of Title 2 of the California Code of Regulations was promulgated to implement the selection component of Caltrans's demonstration project. Amendments are proposed to incorporate the permanent provisions of the law.

#### REGULATORY PROCESS:

In addition, pursuant to Government Code section 18213, SPB regulations concerning selection and examinations may be adopted without public notice or comment, but must be made reasonably available to all interested parties.

#### RECOMMENDATION:

1. That statutory law (G.C. sections 19602.7 and 19609) authorizing Caltrans to continue on a permanent basis, the position-specific selection methods for recruiting, examining, hiring and appointing managerial personnel at Caltrans effective January 1, 2008, be acknowledged.
2. That 2CCR § 549.90, be amended as set forth in the attachment hereto; and that the proposed regulation as shown in this calendar be adopted effective January 22, 2008.

Attachment

Title 2. Administration  
 Division 1. Administrative Personnel  
 Chapter 1. State Personnel Board

Subchapter 4      Demonstration Project and Performance Based Budget Pilot  
 Project Rules (Promulgated Under Authority of Government Code §  
 11808, 18701, and 19600)

Article 8.            California Department of Transportation

Section 549.90.      California Department of Transportation Managerial Selection

Under State Personnel Board supervision, the California Department of Transportation (Department) shall conduct the examination process to select candidates for positions designated M01 and M09. The Department shall conduct examinations for the above identified classifications pursuant to the procedures in Article 4 (Section 548.30) and Article 5 (Section 548.40 through 548.52) for Career Executive Assignments, with the following exceptions:

- (a) The examination announcements specified by Section 548.41 shall specify the minimum qualifications for the position as prescribed for the specific classification.
- (b) The appointing power shall be governed by Section 171.1 in determining whether an applicant has completed the minimum time required by the experience component in the minimum qualifications, if any.
- (c) Any eligible employee may appeal to the State Personnel Board, pursuant to Section 548.49, within thirty (30) days of the date of the notification of examination results.
- (d) Examinations may be either open or promotional.

NOTE: Authority cited: Section 18701, Government Code. Reference: Sections 19602.7 and 19609, Government Code.



TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation  
Plata Support Division  
California Department of Corrections and Rehabilitation

SUBJECT: Proposed establishment of a new safety classification, Receiver's Medical Executive (Safety), with a one year probationary period.

SUMMARY OF ISSUE:

Federal Court Receiver Robert Sillen requests the establishment of a classification entitled Receiver's Medical Executive (Safety) in order to create a medical management structure within the California Department of Corrections and Rehabilitation's adult institutions. This classification will be utilized in institutional, regional and statewide settings.

CONSULTED WITH:

Suzanne Ambrose, State Personnel Board  
Mary Fernandez, State Personnel Board  
Mike Strazzo, State Personnel Board  
Daphne Baldwin, State Personnel Board  
Elise Rose, State Personnel Board  
Dr. Terry Hill, California Prison Healthcare Receivership  
Dr. Dwight Winslow, California Department of Corrections and Rehabilitation

BACKGROUND:

On February 14, 2006, the United States District Court for the Northern District of California appointed Receiver Robert Sillen and set forth his duties in the Order Appointing Receiver ("Order").

The Order confers responsibility upon the Receiver to manage the California prison medical health care delivery system with the goal of restructuring the day-to-day operations and developing, implementing and validating a new, sustainable system that provides for constitutionally-adequate medical care as soon as practicable.

To this end, the Receiver has the Court ordered duty:

"...to control, oversee, supervise and direct all administrative, personnel, financial, accounting, contractual, legal and other operational functions of the medical delivery component of CDCR."  
(Order Appointing Receiver, p.2, lines 15-17)

The Order further provides the Receiver:

“...shall exercise all powers vested by law in the Secretary of CDCR as they relate to the administration, control and management, operation and financing of the California prison medical health care system.” (Order Appointing Receiver, lines 4-7)

Among the Receiver’s specified powers are:

“...the ability to hire, fire, suspend, supervise, promote, transfer, discipline and take all other personnel actions regarding CDCR employees or contract employees who perform services related to the delivery of medical health care.” (Order Appointing Receiver, p.4, lines 13-17)

The Order also empowers the Receiver to:

“...establish personnel policies and to create, abolish or transfer positions related to the delivery of medical health care to class members.”

On July 3, 2007, an Order Re Receiver’s Motion for Waiver of State Law re Receiver’s Career Executive Assignments was issued, which recognized that:

“...the lack of medical leadership has...profound consequences for the delivery of medical care...[and] remedying the unconstitutional medical conditions within CDCR will necessarily require the infusion of new medical care executives/administrators who are well qualified and committed to revamping the current dysfunctional system and establish a culture of competence and professionalism.” (Order Re Receiver’s Motion Re...Receiver Career Executive Assignments, p.5, lines 16-20)

“...the Receiver can only succeed in this goal if he is able to hire medical health care executives/administrators through an open, competitive process that includes applicants from inside or outside State service.”

The Court ordered the Receiver and State Personnel Board (SPB) to meet and confer, and thereafter submit a joint report regarding whether they were able to agree upon “a mechanism for hiring medical health care executives/administrators for the CDCR” consistent with its Order.

On August 20, 2007, the SPB and Receiver entered into a stipulation regarding a mechanism for satisfying the objectives of the Receiver and the legitimate

concerns raised by the Receiver and the SPB, in a manner consistent with the California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

The Receiver's Medical Executive (Safety) classification is the second classification to be developed under the auspices of this order. This broad class encompasses assignments as the Institution Chief of Medical Services, the Regional Chief of Medical Services and the Statewide Chief of Medical Services.

Incumbents in this class direct the development and implementation of medical policies, staffing plans, training and educational programs, and formulate and make or recommend decisions regarding budgetary matters.

The classification includes minimum education, licensure and experience requirements, desirable qualifications, special personal characteristics, special physical characteristics, and core competencies identified by subject matter experts as essential to successful job performance.

#### SAFETY DESIGNATION:

The Receiver's Medical Executive (Safety) is proposed as a "Safety" classification as all incumbents will have regular and substantial contact with inmates including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and, taking steps to defuse potentially volatile situations. The large majority of positions currently allocated to the class of Chief Medical Officer (designated as a safety class) could be considered for reclassification to the new class of Receiver's Medical Executive (Safety).

#### PROBATIONARY PERIOD:

A one year probationary period is appropriate for this class due to the professional nature of the job duties and the annual cyclical nature of some key job duties such as budget preparation and management.

#### SELECTION AND APPOINTMENT CONSIDERATIONS:

Initial examination and appointment into the class will be based on the degree to which candidates possess or exceed the minimum qualifications and desirable education, experience, and licensure requirements. Possession of core competencies will be assessed during the hiring process as well as during any limited term appointment and the one year probationary period, the final phase of the selection process. Individuals who are successful in the minimum and

desirable qualifications based examination may be appointed to various types and levels of assignments within the class. Per the aforementioned order, the Receiver may "...appoint individuals from the list...either permanently...or on a limited term basis for up to two years."

**RECOMMENDATION:**

That the classification of Receiver's Medical Executive (Safety) be established with a one-year probationary period; and that the proposed specification as shown in this calendar be adopted effective January 22, 2007.

**CALIFORNIA STATE PERSONNEL BOARD****SPECIFICATION**

Schematic Code:	SA10
Class Code:	8239
Established:	_____
Revised:	--
Title Changed:	--

RECEIVER'S MEDICAL EXECUTIVE (SAFETY)SCOPE

This specification describes medical executive positions with comprehensive management responsibility for delivery of medical patient care. Positions allocated to this classification have regular and substantial contact with inmates, including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and taking steps to defuse potentially volatile situations.

TYPICAL TASKS

Each position allocated to this classification manages medical care services within the California Department of Corrections and Rehabilitation and is responsible for comprehensive medical care services being delivered 24-hours per day and 7 days per week in California Department of Corrections and Rehabilitation adult institutions. Incumbents are responsible for developing and maintaining an ongoing program to deliver, monitor, evaluate, and improve the quality and appropriateness of all medical care; are responsible for continuous quality improvements and sustainable constitutional levels of medical care; ensure that medical services are well-functioning and that the timely delivery of patient care is available to all patients in accordance with appropriate standards of care; direct and assist with the development of medical policies, procedures, and protocols; direct the development and implementation of medical services staffing plans; assess provider professional orientation and education needs and participate in the development of orientation and education programs to promote staff development; identify problems and implement solutions for operational and organizational issues pertaining to providers and the delivery of medical care; and formulate and assist with the formulation of operational and capital budgets, and make decisions or effectively recommend a course of action with regard to management of the medical budget.

MINIMUM QUALIFICATIONS

Possession of a current and unencumbered license as a physician in California; and Board certification recognized by the American Board of Medical Specialties. (Applicants who do not meet this requirement will be admitted to the examination, but they must secure the required license before they will be considered eligible for appointment)

and  
Five years of clinical experience in a comprehensive medical setting, at least two years of which must have been over a defined medical program with full authority to hire, evaluate, conduct quality reviews, and have responsibility for practical practice development and discipline.

ADDITIONAL DESIRABLE QUALIFICATIONS

Clinical experience in a correctional facility; and experience in health care system and program design and development.

REQUIRED CORE COMPETENCIES

Professional/technical expertise: Is comprehensively knowledgeable of the most current information, techniques, practices, laws, and regulations of the field; has clear developmental record of formal and on-the-job acquisition of knowledge and skills of the occupation; uses knowledge and judgment in applying appropriate methods and techniques to ensure speed, quality, and consistency in work products; and handles the most challenging tasks requiring technical expertise.

Customer and patient focus: Shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers and patients at the individual, group, or organizational level; explores options and pursues solutions to resolve issues of customers or patients; is responsive, pleasant, and professional; looks at the organization and its services from the customer's and patient's point of view; and seeks and uses customer and patient feedback to improve services or products.

Teamwork: Understands his/her role on the team, yet does whatever is needed to make the team successful; helps team members who need or ask for support or assistance; puts team results ahead of personal success; brings out the best in others on the team; and shares credit for group accomplishments.

Valuing diversity: Sees the benefit of having differing backgrounds and points of view in the workplace, and leverages those differences in group processes and decision making; and supports professional development and career opportunity equally for all.

Managing performance: Sets and aligns individual performance goals with the goals of the unit; involves employees in setting their performance goals; ensures employees have the means and skills to accomplish their goals; tracks and measures individual and unit performance; provides ongoing feedback; treats all employees in an objective and consistent manner; and intervenes to correct poor performance, following steps of progressive discipline.

Leadership: Creates a positive work environment in which all staff are motivated to do their best; ensures that clear, challenging, and attainable goals are set for a group and that these goals are aligned with the goals of the organization/department; ensures that the importance and benefits of goals and methods are understood and accepted by those who will carry them out; and conveys confidence and optimism in the group's ability to overcome obstacles and accomplish its goals.

Planning and organizing: Determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal; recognizes and addresses the interdependencies of activities and resources; clarifies roles and responsibilities; anticipates problems and mitigates risks; and produces a realistic schedule of completion.

Organizational savvy: Understands the inner workings and interrelationships of the organization; knows whose support is needed to cut red tape; gets things done through formal channels and informal networks; maintains good working relationships with key players throughout the organization; and aligns and maneuvers organizational resources and internal politics skillfully to solve problems or accomplish goals.

Process improvement: Knows how to separate and combine activities into efficient workflow; benchmarks best practices in the industry; knows what to measure and how to measure it for tracking quality, quantity, schedule, resource utilization, and customer feedback; knows how to identify process problems and opportunities for improvement and simplification; and leverages technology.

Developing others: Coaches others regardless of performance level; shows insight into causes of poor performance and how performance can be improved; shares knowledge and expertise willingly; offers on-going feedback, suggestions, and encouragement; acknowledges progress and growth; and supports others' career development plans.

Managing change: Understands the dynamics of organizational change; knows and guides the planning, process changes, role redefinition, retraining, incentive, and communication steps in transitioning from one organizational state to another; involves key stakeholders in planning and decision making; maintains a high level of communication about the reasons, benefits, opportunities, and difficulties of change; and encourages others and supports them through the transition.

Strategic view: Focuses on the future and where current trends will lead; understands the factors that are shaping the industry and anticipates the opportunities that will be opening and closing; keeps an eye on the big picture and long-range possibilities and implications; and makes, evaluates, and revises long-range plans and goals taking into consideration the organization's core competencies, customers, competition, available resources, and strengths and weaknesses.

Assessing Talent: Understands and recognizes the qualities that differentiate highly successful employees from the average ones; is an astute observer of others' performance; shows skill in asking questions and eliciting detailed and accurate information regarding others' capabilities and weaknesses; and reaches well-articulated conclusions regarding others' strengths and developmental needs.

Relationship Building: Develops and maintains work relationships and continuously works to improve relationships, contacts, and network; maintains an open and approachable manner and easily builds rapport with others; respects others regardless of differences in interest, perspectives, background, and organizational level; and treats others sensitively, fairly, and consistently.

Negotiating: Gains rapport and trust from other parties; works from a strong knowledge base; wins concessions from others; seeks mutually agreeable trade-offs in deal-making; questions and counters others' proposals without damaging relations; holds ground appropriately; and knows how to walk away amicably with the best deal possible.

Handling Conflict: Deals with interpersonally and/or politically challenging situations calmly and diplomatically, diffusing tension; thoughtfully intervenes in conflicts to facilitate communication and resolve problems, finding common ground when possible; and handles complaints and disputes with composure and tact.

Oral Communication: Uses correct vocabulary and grammar; presents information clearly and in an organized manner; gets to the point; questions others skillfully; recognizes nonverbal cues in listeners and adjusts speech and tone accordingly; adjusts word choice according to the audience and purpose; and uses tone, inflection, pauses, and body language for increased impact.



SPECIAL PERSONAL CHARACTERISTICS

Incumbents must possess the willingness to work in a correctional facility; possess a sympathetic and objective understanding regarding the problems of inmate-patients; and be tactful and patient.

SPECIAL PHYSICAL CHARACTERISTICS

Incumbents must possess and maintain sufficient strength, agility, and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without endangering their own health and well-being or that of their fellow employees, forensic clients, patients, inmates, or the public.

ASSIGNMENT DESCRIPTIONS WITHIN THE CLASSIFICATIONInstitution Chief of Medical Services

Positions assigned to this level are the highest ranking medical manager within a Department of Corrections and Rehabilitation adult institution. Incumbents report directly to the institution healthcare Chief Executive Officer (aka Health Care Manager) and receive functional supervision from the Regional Director of Medical Services insofar as it pertains to standards of medical practice, optimal medical work processes, and achievement thereof.

Incumbents direct all provider activity within the institution and ensures compassionate, safe, effective, timely, efficient, and equitable patient-centered care in conjunction with other health care discipline managers, and in coordination with custody; develop and maintain a competent provider team to deliver evidence-based, patient-centered care; and develop and implement clear and realistic performance expectations, issue letters of instruction and counseling memoranda, effectively recommend formal disciplinary action to the institution Chief Executive Officer, and upon delegation from the Chief Executive Officer, take disciplinary action.

Regional Chief of Medical Services

Under the direct supervision of the Regional Health Care Program Administrator and the functional supervision of the Statewide Chief of Medical Services, coordinates all medical services within a region spanning multiple institutions within the California Department of Corrections and Rehabilitation adult institutions, and ensures that medical practices comply with appropriate professional standards; ensures institutions within the region have implemented an effective system that certifies competence to perform provider duties, including primary care and urgent/emergency care; supervises providers assigned to Regional Offices for purposes of quality monitoring and improvement, program development, and program implementation;

functionally supervises the Institution Chiefs of Medical Services within the region insofar as it pertains to standards of medical practice, optimal medical work processes, and achievement thereof; participates in the selection of the Institution Chiefs of Medical Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers; develops and monitors provider performance expectations; performs competency assessments; mentors and coaches provider personnel throughout the region; and assists in evaluating provider staff and effectively recommends corrective and adverse action to Institution Chiefs of Medical Services, institution Chief Executive Officers, and Regional Healthcare Program Administrators (aka Regional Administrators).

#### Statewide Chief of Medical Services

Under the direct supervision of the federal court Receiver (or designee), coordinates all medical services on a statewide basis within the California Department of Corrections and Rehabilitation adult institutions; ensures that medical practices comply with appropriate standards to deliver evidence-based, patient-centered care; ensures institutions statewide have implemented an effective system that certifies competence to perform provider duties, including primary care and urgent/emergency care; functionally supervises the Regional Chiefs of Medical Services insofar as it pertains to standards of medical practice, optimal medical work processes, and achievement thereof; participates in the selection of the Institution and Regional Chiefs of Medical Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers and Regional Healthcare Program Administrators; develops and monitors provider performance expectations; performs competency assessments; mentors and coaches provider personnel throughout the state; and assists in evaluating provider staff and effectively recommends corrective and adverse action to Institution and Regional Chiefs of Medical Services, Institution Chief Executive Officers, and Regional Healthcare Program Administrators.

(Cal. 01/22/08)

**MEMO TO** : STATE PERSONNEL BOARD  
**FROM** : MIKE STRAZZO, Merit Operations Division  
**SUBJECT** : Staff Calendar Items for Board Information

**Page**

**NONE PRESENTED**